



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAY 6 2011

Cynthia Curran
Director, Teaching and Learning Support
Goldbelt Place
PO Box 110500
801 West 10th Street, Suite 200
Juneau, Alaska 99811

Dear Ms. Curran:

I am writing in response to Alaska's requests to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. After reviewing Alaska's requests, I am pleased to grant the following waivers:

- Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers. I am granting a one-year waiver of 34 C.F.R. § 200.47(b)(1)(iv)(A) and (B) to permit Alaska to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as an SES provider in the 2011–2012 school year.
- Allowing LEAs to offer SES to eligible Title I schools in year one of improvement instead of public school choice and to count the costs of providing SES to these students toward the LEA's 20 percent obligation. I am granting a one-year waiver of ESEA section 1116(b)(10) and 34 C.F.R. § 200.48 to allow LEAs in the first year of school improvement to offer SES in lieu of public school choice to eligible students in the first year of school improvement and to count the costs of providing SES to these students toward the LEA's 20 percent obligation.

These waivers are granted on the condition that Alaska will satisfy the conditions detailed in the enclosure to this letter, including the requirement to report certain information about the use of each of the waivers to the Department by September 30, 2012. Please be sure to review the enclosure carefully.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Sharon Hall of my staff at sharon.hall@ed.gov or (202) 260-0998.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Margaret MacKinnon, Title I Director

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

CONDITIONS ON TITLE I, PART A WAIVERS

Approving schools and LEAs identified for improvement, corrective action, or restructuring as supplemental educational services (SES) providers (34 C.F.R. § 200.47(b)(1)(iv)(A) and (B))

This waiver is granted on the condition that Alaska will submit to the Department, by September 30, 2012, a report that includes:

- The total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2011–2012 school year; and
- The total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2011–2012 school year.

Offering supplemental educational services (SES) instead of public school choice in the first year of improvement and counting the costs of providing SES toward the 20 percent obligation (ESEA section 1116(b)(10); 34 C.F.R. § 200.48)

This waiver is granted on the condition that Alaska and its local educational agencies (LEAs) meet the following conditions:

Goals

- Increased student participation in SES and public school choice. Participating LEAs must take all reasonable steps, including the actions set forth in 34 C.F.R. § 200.48(d)(2)(i), to increase the number of students receiving SES and public school choice under the Elementary and Secondary Education Act of 1965 (ESEA), as amended, from prior years.

Principles

- Availability of SES providers. The state must:
 - Maintain a comprehensive list of approved SES providers that may include non-profit, for-profit, faith- and community-based, and online providers;
 - Ensure that there are at least two providers available in each participating LEA from which parents may choose.
- Effective parent notification and outreach. The state must ensure that participating LEAs:
 - Provide timely, clear, accurate notice to parents about the identification of their child's school as in need of improvement and their parental involvement opportunities, including the availability of the SES and public school choice options, in simple language that parents can understand;
 - Notify parents of eligible students about SES prior to the start of the 2011-2012 school year, or within the first few weeks of the school year, and provide SES shortly thereafter;
 - Offer continuous enrollment in SES or multiple SES enrollment periods throughout the 2011-2012 school year until each pilot LEA spends the 20 percent required by Title I or until all students who request SES and public school choice are served.
- Level playing field for all providers. The state must ensure that participating LEAs:
 - Provide fair and equitable treatment of non-LEA providers by giving providers access to school facilities at a reasonable price and dividing space among providers in a fair manner;
 - Allow providers to market their services to parents and work with community and business partners to reach out to parents and provide them with information on their options.
- Effective implementation of public school choice. The state must ensure that its LEAs implement public school choice in accordance with all statutory and regulatory requirements.

- Reporting. The state must:
 - Submit complete and accurate public school choice and SES data for all its LEAs to the Department via the Education Data Exchange Network (EDEN) for the 2011-2012 school year by the end of October 2012;
 - Submit reports to the Department on how the conditions of the flexibility agreement were met, including an explanation of trends in participation in SES and public school choice within the participating LEAs, by January 1, 2012, and again by June 30, 2012.